

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

EDWARD J. FANGMAN AND VICKIE  
G. FANGMAN,

Plaintiffs,

v.

GENUINE TITLE, LLC,

Defendant.

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Civil Action No.:  
(Removed from Circuit Court for Baltimore  
County. Case No. 03-C-13-013982 OT)

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**NOTICE OF REMOVAL**  
**(Federal Question Jurisdiction)**

Defendant Genuine Title, LLC (“Genuine Title”), by its undersigned counsel, hereby provides Notice pursuant to 28 U.S.C. §§ 1441 and 1446 of its removal of the above-captioned case from the Circuit Court for Baltimore County to the United States District Court for the District of Maryland. Removal is based on 28 U.S.C. § 1331 (federal question), with 28 U.S.C. § 1367 (supplemental jurisdiction). As grounds for removal, Genuine Title states the following:

1. On December 6, 2013, Plaintiffs Edward J. Fangman and Vickie G. Fangman commenced this action against Genuine Title by filing a complaint in the Circuit Court for Baltimore County (the “State Court Action”). The State Court Action was assigned Case Number 03-C-13-013982 OT. A copy of the complaint filed in the State Court Action is attached as Exhibit A.

2. In the complaint, Plaintiffs allege that Genuine Title violated the Real Estate Settlement Procedures Act of 1974 (“RESPA”), 12 U.S.C. §§ 2601, *et seq.*, by engaging in a “kickback” scheme that involved the referral of settlement services. Plaintiffs also accuse Genuine Title of committing violations of Maryland statutory law, engaging in fraud, and participating in a civil conspiracy.

3. Removal to this Court is proper. Pursuant to 28 U.S.C. §§ 1446(a) and 1441(a), this Notice of Removal is being filed in the United States District Court for the District of Maryland, which is the federal district court embracing the state court where the State Court Action was filed.

4. Removal is timely. The complaint with the original summons was first served on Genuine Title on December 12, 2013. This Notice of Removal is being filed with the United States District Court for the District of Maryland on January 10, 2014, within the time prescribed after receipt of the State Court Action complaint by Genuine Title. *See* 28 U.S.C. § 1446(b).

5. This Notice of Removal is signed pursuant to Federal Rule of Civil Procedure 11. *See* 28 U.S.C. § 1446(a).

6. All other procedural requirements have been met.

a. Attached hereto as Exhibit B is a copy of all “process, pleadings and orders served upon” Genuine Title and is being filed with the Clerk of the Court contemporaneously with the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a).

b. Attached hereto as Exhibit C is a copy of the Notice of Filing of Notice of Removal that Genuine Title will file in the Circuit Court for Baltimore County and will promptly serve upon Plaintiff.

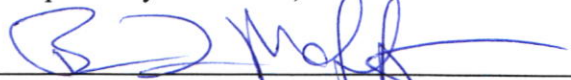
7. This Court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Pursuant to 28 U.S.C. § 1441(a), “[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant, to the district court of the United States for the district and division embracing the place where such action is

pending.” 28 U.S.C. § 1441(a). Additionally, pursuant to 28 U.S.C. § 1441(b), “[a]ny civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be remove without regard to the citizenship or residence of the parties.” 28 U.S.C. § 1441(b).

8. Genuine Title is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441. Plaintiff’s assertion of claims under RESPA (Count I) renders this suit as one over which the United States District Court has original jurisdiction pursuant to 28 U.S.C. § 1331. To the extent the complaint also asserts state law claims that do not involve RESPA, this Court has supplemental jurisdiction pursuant to 28 U.S.C. §§ 1367(a) and 1441(c).

**WHEREFORE**, having satisfied all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including the presence of all jurisdictional requirements established by 28 U.S.C. § 1331, Defendant Genuine Title, LLC respectfully serves notice that the above-referenced civil action, now pending in the Circuit Court of Baltimore County, Maryland to the United States District Court for the District of Maryland.

Respectfully submitted,



Brian L. Moffet (Fed. Bar No. 13821)



Michael V. Ziccardi (Fed. Bar No. 28988)

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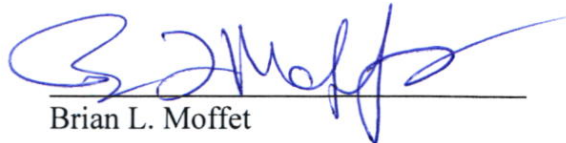
**Attorneys for Defendant**

**Genuine Title, LLC**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of January 2014, a copy of the foregoing Notice of Removal was mailed, first-class, postage prepaid, to:

Michael Paul Smith, Esquire  
Natalie Mayo, Esquire  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue, Suite 200  
Towson, Maryland 21204  
**Attorneys for Plaintiffs**

  
Brian L. Moffet